

February 10, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISIONBY: SAJ
DEPUTY

UNITED STATES OF AMERICA

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§Cause No.: **DR-21-CR-00212-AM**

v.

INDICTMENT

JOSE RAFAEL GOMEZ-DIAZ

[Vio: COUNT ONE: 18 U.S.C. § 111 (a)(1)
& (b)- Assaulting, Resisting or Impeding
Certain Officers or Employees; COUNT
TWO: 19 U.S.C. § 1459(a), Failure to
Comply with Reporting Requirements.]

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. § 111(a)(1) & (b)]

On or about January 18, 2021, in the Western District of Texas, Defendant,

JOSE RAFAEL GOMEZ-DIAZ,

did knowingly and intentionally forcibly assault, resist, oppose, impede, intimidate, and interfere with United States Border Patrol Agent J.C., who is an officer or employee of an agency of the United States, while United States Border Patrol Agent J.C. was engaged in and on account of the performance of his official duties, and such acts involved physical contact with the agent, and Defendant used a deadly and dangerous weapon, to wit: a rock, and Defendant did inflict bodily injury upon Agent J.C. by biting his hand, all in violation of Title 18, United States Code, Section 111 (a)(1) & (b).

COUNT TWO

[19 U.S.C. § 1459(a)]

On or about January 18, 2021, in the Western District of Texas, the Defendant,

JOSE RAFAEL GOMEZ-DIAZ,

intentionally and knowingly entered the United States at a place not designated as a border crossing point, and did not immediately report said arrival and present himself and all articles in his possession for inspection, in violation of Title 19, United States Code, Section 1459(a).

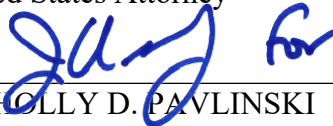
A TRUE BILL.

ORIGINAL SIGNATURE REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002

FOREPERSON

ASHLEY C. HOFF
United States Attorney

By:



HOLLY D. PAVLINSKI
Assistant United States Attorney

SEALED:
UNSEALED: XX

**PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

COUNTY: MAVERICK USAO#: 2021R00367
DATE: FEBRUARY 10, 2021 MAG. CT. #: DR21-0134M
AUSA: HOLLY D. PAVLINSKI
DEFENDANT: JOSE RAFAEL GOMEZ-DIAZ
CITIZENSHIP: HONDURAS
INTERPRETER NEEDED: YES LANGUAGE: SPANISH
DEFENSE ATTORNEY: CHARLES WAYNE KING
ADDRESS OF ATTORNEY: 101 PARK STREET, SAN ANGELO, TEXAS 76901
DEFENDANT IS: DETAINED DATE OF ARREST: JANUARY 18, 2021
BENCH WARRANT NEEDED: NO
PROBATION OFFICER: N/A
NAME AND ADDRESS OF SURETY: N/A
YOUTH CORRECTIONS ACT APPLICABLE: NO
PROSECUTION BY: INDICTMENT
OFFENSE: (Code & Description): COUNT 1: 18 U.S.C. § 111(a)(1) & (b) - Assaulting, Resisting or Impeding Certain Officers or Employees; COUNT 2: 19 U.S.C. § 1459(a) -- FAILURE TO COMPLY WITH REPORTING REQUIREMENTS.
OFFENSE IS: COUNT 1: FELONY; COUNT 2: MISDEMEANOR
MAXIMUM SENTENCE: COUNT 1: 20 YEARS IMPRISONMENT; A \$250,000 FINE; 3 YEARS OF SUPERVISED RELEASE; AND A \$100 SPECIAL ASSESSMENT; COUNT 2: 12 MONTHS IMPRISONMENT, A \$100,000 FINE, 5 YEARS PROBATION, AND A \$25 SPECIAL ASSESSMENT.
PENALTY IS MANDATORY: YES & NO
REMARKS: See above
W/DT-CR-3